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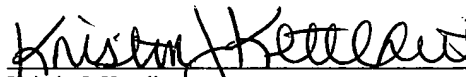
DOCKET NO.: C1037.70038US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 10/735,592
Confirmation No.: 2533
Filed: December 11, 2003
For: 5' CPG NUCLEIC ACIDS AND METHODS OF USE
Examiner: Not Yet Assigned
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 7th day of July, 2004.


Kristin J. Ketelhut

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

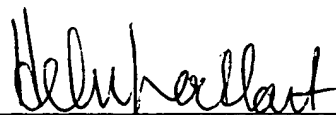
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Krieg et al., Applicant

By: 
Helen C. Lockhart, Ph.D., Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617)646-8000

Docket No. C1037.70038US01
Date: July 7, 2004
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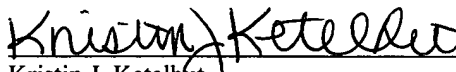
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Kristin J. Ketelhut

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
C1037.70013US01	10/831,778	April 23, 2004	Bratzler et al.
C1037.70039US01	10/816,220	April 1, 2004	McCluskie et al.
C1037.70041US00	10/613,749	July 3, 2003	Krieg
C1037.70042US00	10/613,524	July 3, 2003	Krieg
C1037.70043US00	10/613,739	July 3, 2003	Krieg
C1037.70044US00	10/613,736	July 3, 2003	Krieg
C1037.70045US00	10/613,228	July 3, 2003	Krieg
C1037.70048US00	10/644,052	August 19, 2003	Jurk et al.
C1037.70049US00	10/643,141	August 18, 2003	Hutcherson et al.
C1037.70051US00	10/666,733	September 19, 2003	Bratzler et al.
C1037.70052US00	10/668,050	September 22, 2003	Bratzler et al.
C1039.70020US00	09/337,584	June 21, 1999	Krieg et al.
C1039.70021US01	10/719,493	November 21, 2003	Krieg et al.
C1039.70022US00	09/337,893	June 21, 1999	Krieg
C1039.70035US00	09/669,187	September 25, 2000	Krieg et al.
C1039.70036US00	09/559,140	April 27, 2000	Noll et al.
C1039.70041US00	09/655,319	September 5, 2000	Krieg et al.
C1039.70042US00	09/630,319	July 31, 2000	Krieg et al.
C1039.70043US00	09/629,477	July 31, 2000	Krieg et al.
C1039.70044US00	09/672,126	September 27, 2000	Hartmann et al.
C1039.70048US01	10/769,282	January 30, 2004	Krieg et al.
¹ C1039.70048US02	10/817,165	April 2, 2004	Krieg et al.
¹ C1039.70048US03	10/831,647	April 23, 2004	Krieg et al.
¹ C1039.70048US04	Not Yet Assigned	May 15, 2004	Krieg et al.
C1039.70057US00	09/965,101	September 26, 2001	Davis et al.

¹Copy not enclosed; see C1039.70048US01, Serial No. 10/769,282 for identical specification

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
² C1039.70057US01	Not Yet Assigned	May 3, 2004	Davis et al.
C1039.70058US01	10/831,775	April 23, 2004	Davis et al.
C1039.70062US00	10/187,489	July 2, 2002	Krieg et al.
³ C1039.70069US00	10/314,578	December 9, 2002	Krieg et al.
C1039.70070US00	10/382,822	March 6, 2003	Krieg et al.
C1039.70071US00	10/435,656	May 9, 2003	Krieg et al.
C1039.70072US00	10/434,696	May 9, 2003	Davis et al.
C1039.70073US00	10/743,625	December 22, 2003	Krieg et al.
C1039.70075US00	10/613,916	July 3, 2003	Krieg et al.
C1039.70077US00	10/619,279	July 14, 2003	Krieg
C1039.70078US00	10/627,331	July 25, 2003	Krieg et al.
C1039.70079US00	10/627,413	July 25, 2003	Krieg et al.
C1039.70082US00	10/631,676	July 30, 2003	Krieg et al.
C1039.70083US00	10/690,495	October 21, 2003	Krieg et al.
⁴ C1039.70083US01	10/769,626	January 30, 2004	Krieg et al.
⁴ C1039.70083US02	10/787,737	February 26, 2004	Krieg et al.
⁴ C1039.70083US03	10/788,199	February 26, 2004	Krieg et al.
⁴ C1039.70083US04	10/788,191	February 26, 2004	Krieg et al.
⁴ C1039.70083US05	10/789,536	February 26, 2004	Krieg et al.
⁴ C1039.70083US06	10/789,051	February 26, 2004	Krieg et al.
⁴ C1039.70083US07	10/789,353	February 26, 2004	Krieg et al.
C1039.70084US00	10/649,584	August 25, 2003	Krieg et al.
C1040.70006US00	09/316,199	May 21, 1999	McCluskie et al.
C1041.70002US00	09/241,653	February 2, 1999	Wagner et al.
C1041.70005US00	09/355,254	February 22, 2000	Wagner et al.
⁵ C1041.70005US01	10/811,226	March 26, 2004	Wagner et al.
C1041.70010US00	09/786,436	March 2, 2001	Wagner et al.
C1041.70024WO00	Not Yet Assigned	April 22, 2004	Vollmer et al.
C1041.70035US00	10/373,381	February 25, 2003	Wagner et al.
C1041.70040US00	10/666,844	September 19, 2003	Lipford et al.

²Copy not enclosed; see C1039.70057US00, Serial No. 09/965,101 for identical specification

³Copy not enclosed; see C1039.70035US00, Serial No. 09/669,187 for identical specification

⁴Copy not enclosed; see C1039.70083US00, Serial No. 10/690,495 for identical specification

⁵Copy not enclosed; see C1041.70005US00, Serial No. 09/355,254 for identical specification

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Krieg et al., *Applicant*

By: 
Helen C. Lockhart, Ph.D., Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 646-8000

Docket No. C1037.70038US01

Date: July 7, 2004

XNDDX



FORM PTO 449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/735,592		ATTY. DOCKET NO.: C1037.70038US01	
				FILING DATE: December 11, 2003		CONFIRMATION NO.: 2533	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1632		EXAMINER: Not Yet Assigned	
Sheet	1	of	12				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1**	5,023,243		Tullis	
	A2**	5,248,670		Draper, et al.	
	A3**	5,268,365		Rudolph, et al.	
	A4**	5,543,152		Webb, et al.	
	A5**	5,595,756		Bally, et al.	
	A6**	5,663,153		Hutcherson, et al.	
	A7**	5,679,647		Carson, et al.	
	A8**	5,705,385		Bally, et al.	
	A9**	5,723,335		Hutcherson, et al.	
	A10**	5,753,613		Ansell, et al.	
	A11**	5,756,097		Landucci, et al.	
	A12**	5,766,920		Babbitt, et al.	
	A13**	5,780,448		Davis	
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	A15**	5,786,189		Locht, et al.	
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	A17**	5,814,335		Webb, et al.	
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	A20**	5,932,556			
	A21**	5,965,542		Wasan, et al.	
	A22**	5,976,567		Wheeler, et al.	
	A23**	5,981,501		Wheeler, et al.	
	A24**	6,027,726		Ansell	
	A25**	6,110,745		Zhang, et al.	
	A26**	6,174,872		Carson, et al.	
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	A28**	6,498,148	B1	Raz	
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	A35**	6,610,661		Carson, et al.	08-26-2003
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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/735,592		ATTY. DOCKET NO.: C1037.70038US01			
				FILING DATE: December 11, 2003		CONFIRMATION NO.: 2533			
				APPLICANT: Krieg et al.					
				GROUP ART UNIT: 1632		EXAMINER: Not Yet Assigned			
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	A38**	2003/0072762		Van de Winkel et al.	
	A39**	2003/0119774		Foldvari et al.	
	A40**	2003/0125279		Junghans et al.	
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	A42**	2003/0138413	A1	Vicari et al.	
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	A44**	6,194,388	B1	Krieg et al.	
	A45**	6,207,646	B1	Krieg et al.	03-27-2001
	A46**	6,214,806	B1	Krieg et al.	04-10-2001
	A47**	6,218,371	B1	Krieg et al.	04-17-2001
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	A49**	6,339,068	B1	Krieg et al.	01-15-2002
	A50**	6,406,705	B1	Davis et al.	06-18-2002
	A51**	6,429,199	B1	Krieg et al.	08-06-2002
	A52**	6,653,292	B1	Krieg et al.	11-25-2003
	A53**	6,727,230	B1	Hutcherson et al.	04-27-2004
	A54**	2001/0044416	A1	McCluskie et al.	11-22-2001
	A55**	2002/0064515	A1	Krieg et al.	05-30-2002
	A56**	2002/0091097	A1	Bratzler et al.	07-11-2002
	A57**	2002/0156033	A1	Bratzler et al.	10-24-2002
	A58**	2002/0165178	A1	Schetter et al.	11-07-2002
	A59**	2002/0164341	A1	Davis et al.	11-07-2002
	A60**	2002/0198165	A1	Bratzler et al.	12-26-2002
	A61**	2003/0026782	A1	Krieg et al.	02-06-2003
	A62**	2003/0026801	A1	Weiner et al.	02-06-2003
	A63**	2003/0050261	A1	Krieg et al.	03-13-2003
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	A65**	2003/0050268	A1	Krieg et al.	03-13-2003
	A66**	2003/0055014	A1	Bratzler	03-20-2003
	A67**	2003/0087848	A1	Bratzler et al.	05-08-2003
	A68**	2003/0091599	A1	Davis et al.	05-15-2003
	A69**	2003/0100527	A1	Krieg et al.	05-29-2003
	A70**	2003/0104523	A1	Bauer et al.	06-05-2003
	A71**	2003/0139364	A1	Krieg et al.	07-24-2003
	A72**	2003/0148316	A1	Lipford et al.	08-07-2003
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	A75**	2003/0181406	A1	Schetter et al.	09-25-2003
	A76**	2003/0191079	A1	Krieg et al.	10-09-2003
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Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B1	EP	0 302 758	A1	New England Medical Center Hospitals, Inc.		
	B2	EP	0 468 520		Mitsui Toatsu Chemicals, Inc.		
	B3	WO	91/12811	A1	ISIS Pharmaceuticals Inc.		
	B4	WO	92/03456				
	B5	WO	94/19945	A1	ISIS Pharmaceuticals Inc.		
	B6	WO	96/24380		ICN Pharmaceuticals		
	B7	WO	97/28259	A1	The Regents of the University of California		
	B8	WO	98/16247	A1	The Regents of the University of California		
	B9	WO	98/29430		ICN Pharmaceuticals		
	B10	WO	98/32462				
	B11	WO	98/40100	A1	Ottawa Civic Loeb Research Institute		
	B12	WO	98/51278	A2	INEX Pharmaceuticals Corp.		

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				GROUP ART UNIT: 1632		EXAMINER: Not Yet Assigned	
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	B13	WO	98/55495	A2	Dynavax Technologies Corporation		
	B14	WO	99/11275	A2	The Regents of the University of California		
	B15	WO	99/30686				
	B16	WO	99/33493	A1	INEX Pharmaceuticals Corporation		
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	B19	WO	99/62923	A2	Dynavax Technologies Corporation		
	B20	WO	00/03683	A2	INEX Pharmaceuticals Corporation		
	B21	WO	00/06588	A1	University of Iowa Research Foundation		
	B22	WO	00/16804	A1	Dynavax Technologies Corporation		
	B23	WO	00/20039	A1	The Regents of the University of California		
	B24	WO	00/21556	A1	Dynavax Technologies Corporation		
	B25	WO	00/62787	A1	The Regents of the University of California		
	B26	WO	01/02007	A1	The Regents of the University of California		
	B27	WO	01/12223	A2	Dynavax Technologies Corporation		
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	B29	WO	01/68077	A2	Dynavax Technologies Corporation		
	B30	WO	01/68078	A2	Dynavax Technologies Corporation		
	B31	WO	01/68103	A2	Dynavax Technologies Corporation		
	B32	WO	01/68116	A2	Dynavax Technologies Corporation		
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	B40	WO	03/020889	A2	3M Innovative Properties Company		
	B41	WO	03/024481	A2	Cytos Biotechnology AG		
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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/735,592		ATTY. DOCKET NO.: C1037.70038US01	
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				GROUP ART UNIT: 1632		EXAMINER: Not Yet Assigned	
Sheet	5	of	12				

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	AGRAWAL et al., "Antisense oligonucleotides: towards clinical trials", <i>Trends in Biotechnology</i> , 14: 376-387, 1996.	
	C2	ANDERSON et al., "Induction of determinant spreading and of Th1 responses by in vitro stimulation with HER-2 peptides", <i>Cancer Immunology Immunotherapy</i> , 49(9): 459-68, 2000.	
	C3	ANDERSON et al., "TH2 and 'TH2-like' cells in allergy and asthma: pharmacological perspectives", <i>Trends in Pharmacological Science</i> , 15: 324-332, 1994.	
	C4	ASKEW et al., "CpG DNA induces maturation of dendritic cells with distinct effects on nascent and recycling MHC-II antigen-processing mechanisms", <i>Journal of Immunology</i> , 165: 6889-95, 2000.	
	C5	BALLAS et al., "Induction of NK activity in murine and human cells by CpG motifs in oligodeoxynucleotides and bacterial DNA", <i>J Immunol.</i> 1996 Sep 1;157(5):1840-5.	
	C6	BATES et al., "Antiproliferative activity of G-rich oligonucleotides correlates with protein binding", <i>Journal of Biological Chemistry</i> , 274: 26369-77, 1999.	
	C7	BAYEVER et al., "Systemic administration of a phosphorothioate oligonucleotide with a sequence complementary to p53 for acute myelogenous leukemia and myelodysplastic syndrome: initial results of a phase I trial", <i>Antisense Research & Development</i> , 3: 383-390, 1993.	
	C8	BENIMETSKAYA et al., "Formation of a G-tetrad and higher order structures correlates with biological activity of the RelA (NF-kappaB p65) 'antisense' oligodeoxynucleotide", <i>Nucleic Acid Research</i> , 25(3): 2648-56, 1997.	
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